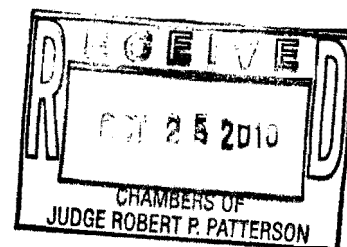


**MEMO ENDORSED**

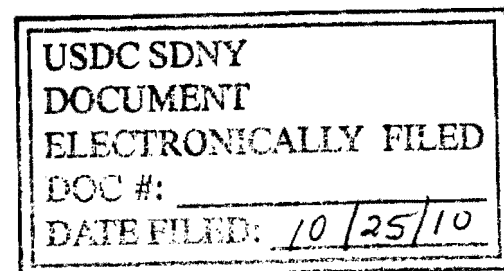
Douglas E. Palermo  
 15 East Putnam Avenue, Suite 3090  
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October 24, 2010

BY FAX (212) 805-7917

Hon. Robert Patterson, Jr.  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007



Re: David R. Kittay, Trustee v. Joseph Korff, 08 CV 7421 (RPP)

Dear Judge Patterson:

With regards to Miss Tucker's assertion that I have been avoiding her, I stood for deposition a few weeks ago at her initial request and anytime she has called me, I have responded within hours. If Miss Tucker had wanted me to appear at this trial, she never mentioned it at the deposition and made no attempt to serve me. This last minute panic attempt to reach me hours before trial is an unfair burden. What she did not mention in her correspondence is that I stated under oath that Virginia is my legal residence. I was on my way back when she attempted to contact me late Friday. I do not have an alternate residence in the metropolitan area. The statute relating to proper service is clearly defined and this is not it. I would like the court to reconsider their order pertaining to my appearance. I do not and should not have to spend the time and money to file a formal request to quash this order. In the event the court in its final judgment requires my appearance, I would adhere to their decision. Just as a general comment, the trustee has brought seven third party lawsuits to date based on Judge Hardin's original opinion and has not prevailed on any of them on a factual basis. The trustee seems to sue first and then engage in what might be considered a revisionist history. In the spirit of complete transparency, I would like to cite the fact that your deceased brother-in-law, Daniel Daly, was my best man at my wedding and the godfather of my daughter. Also, your deceased sister-in-law, Madalane Potter, was a dear and close friend. In the matter of any professional interaction, the law firm of Patterson Belknap Webb & Tyler represented me for certain zoning matters with Stephen Lefkowitz representing the firm between 1983-1985 prior to your appointment to the bench. It is Your Honor's decision as to whether he feels he should preside over the above referenced matter based on these intersections of life. You may contact me with your decision by email or cell phone enumerated above.

Respectfully,

  
 Douglas E. Palermo

*Application denied  
 The court adheres  
 to its ruling that Mr.  
 Palermo is a proper  
 defendant in this case  
 10/25/10  
 JRP*